UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION

THIS DOCUMENT RELATES TO: Claimant **Travis Minor** SPID **100010593**

No. 2:12-md-02323-AB MDL No. 2323

ă

Hon. Anita B. Brody

PETITION TO ESTABLISH ATTORNEY'S LIEN

Petitioner, Weisberg & Associates, PA, pursuant to an executed Contingent Fee Agreement/Power of Attorney for legal services, comes now and states as follows:

- 1. Petitioner is an attorney at law admitted to practice before the courts of Florida, and files this Petition to establish a lien for attorney's fees, as set forth hereinafter.
- 2. On or about August 5, 2016, Petitioner, Weisberg & Associates, PA, was retained and employed by the Claimant pursuant to a Retainer for legal services to pursue a claim for injuries and damages allegedly caused by the National Football League's conduct associated with football related concussions, head, and brain injuries.
- 3. The specifics of the agreement for legal services are as follows: "I/We hereby agree that out of whatever sum is obtained by settlement or verdict the attorney fee shall be twenty-five percent (25%) of the net recovery reduced proportionally by any common benefit fee received by our lawyers. From the net balance remaining, I/we agree to pay the expenses of suit, including filing fees, costs to obtain records..."
- 4. When Petitioner entered into contract with Claimant, Petitioner entered into the risk and expense of the litigation.
- 5. From the date the Petitioner was authorized to proceed on behalf of the Claimant, the Petitioner has actively and diligently investigated, prepared, and pursued Claimant's claims, and has taken all steps necessary to prosecute those claims, including, but not limited to, correspondence and communications with the client, preparation and review of client's factual and legal circumstances, retaining experts, drafting and providing client updates, analyzing Claimant's medical status and need for medical testing, coordinating and paying for medical testing, reviewing results of medical testing, etc.
- 6. In fact, Claimant was tested at the expense (medical bills) of the Petitioner, and impaired at a level 1.5 per the medical reports provided by Dr. Brian A. Costell and Dr. Michael Charash.

- 7. The medical reports were reviewed for accuracy and ready for submission.
- 8. The contingency was satisfied upon the issuance of the qualifying diagnosis.
- 9. Thus, Petitioner, in addition to costs and expenses totaling \$6,000.00, has earned his full contingency retainer of 25%.
- 10. As of the date of this petition, Petitioner, Weisberg & Associates, PA, is the counsel of records for Claimants herein, and has not been terminated for "good cause."
- 11. The Petitioner claims the right to have a lien for attorney's fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Claimant in this action.

WHEREFORE, the Petitioner prays:

- 1. That an attorney's lien be established;
- 2. That the amount of the lien be determined;
- 3. That the Court order that Petitioner be entitled to enforce an attorney's lien against the proceeds to be derived from any settlement in this action, as a first-priority lienholder, in the face of any other valid lien;
- 4. That the NFL Concussion Settlement Claims Administrator be prohibited from paying to the Claimant, or any other lienholder any settlement proceeds until said attorney's fees and cost lien has been satisfied; and
- 5. For such other further relief as this Court deems just.

Dated July 5, 2017

Respectfully submitted,

WEISBERG & ASSOCIATES,

Attorneys at Law

Fla. Bar No. 962198

21301 Powerline Rd. #100

Boca Raton, FL 33433

Telephone: (561) 362-7355

Facsimile: (561) 880-6570

LWeisberg@WeisbergLegal.com

Attorney for Individual Class Members

I CERTIFY that the above has been filed with the Cerk of Court's EF/ECM system, which will provide service to all parties designated to receive service this July 5, 2017.

Lawrence Weisberg, Esq.